

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

LISA BYRD,)
)
Plaintiff,)
)
v.) No. 09-05084-CV-SW-FJG
)
MICHAEL J. ASTRUE,)
Commissioner, Social Security)
Administration,)
)
Defendant.)

ORDER

Pending before the Court is Plaintiff's Application for Attorney Fees Pursuant to The Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (Doc. No. 19).

Plaintiff has requested reimbursement in the amount of \$5,032.00 for attorney fees, which represents 31.45 hours at the rate of \$160.00 per hour. Plaintiff further indicates that she has signed an Assignment of EAJA fees in this case to her attorneys, Parmele Law Firm. Defendant has no objection to payment of the award under the EAJA. However, defendant notes that under Astrue v. Ratliff, ____ U.S. ___, 2010 WL 2346547 (June 14, 2010), the EAJA fee is payable to Plaintiff as litigant and is subject to offset pre-existing debts that Plaintiff may owe the United States. Accordingly, Defendant indicates that it will verify whether Plaintiff owes a debt to the United States that is subject to offset, and if there is no debt owed by Plaintiff, the fee will be made payable to Plaintiff's attorney based on the assignment.

Accordingly, it is hereby **ORDERED** that Plaintiff's application for attorney fees is **GRANTED**, and Plaintiff shall be awarded payment of **\$5,032.00** in attorney fees pursuant

to 28 U.S.C. § 2412. Payment shall be made in accordance with the procedure suggested by Defendant.

IT IS SO ORDERED.

Date: 8/2/2010
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge